

CITY OF SAN JOSÉ, CALIFORNIA Department of Planning, Building and Code Enforcement 801 North First Street, Room 400 San José, California 95110-1795	Hearing Date/Agenda Number P.C. 8/11/04 Item C.C. 8/17/04 Item
STAFF REPORT	File Number PDC04-008
	Application Type Planned Development Rezoning
	Council District 7
	Planning Area Evergreen
	Assessor's Parcel Number(s) 670-15-012; -015

  

PROJECT DESCRIPTION	Completed by: John W. Baty
Location: Southwest corner of Silver Creek Road and Aborn Road	
Gross Acreage: 7.5	Net Acreage: 7.4      Net Density: N/A
Existing Zoning: LI-Light Industrial	Existing Use: Vacant
Proposed Zoning: A(PD) Planned Development	Proposed Use: Construction of up to 70,000 square feet of retail/commercial space, up to 50,000 square feet of medical office or an 80-bed assisted living facility for the elderly, and the dedication of unimproved land for public park purposes

  

GENERAL PLAN	Completed by: JWB
Land Use/Transportation Diagram Designation GC - General Commercial	Project Conformance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> See Analysis and Recommendations

  

SURROUNDING LAND USES AND ZONING	Completed by: JWB
North: Industrial, Single-family Residential	LI-Light Industrial, A-Agriculture, R-1-2(PD) and R-1-2 Residence
East: Commercial	A(PD) Planned Development
South: Commercial	A(PD) Planned Development
West: Mobile home park	R-1-8(PD) Planned Development

  

ENVIRONMENTAL STATUS	Completed by: JWB
<input type="checkbox"/> Environmental Impact Report found complete <input checked="" type="checkbox"/> Negative Declaration circulated on 7/9/04	<input type="checkbox"/> Exempt <input type="checkbox"/> Environmental Review Incomplete

  

FILE HISTORY	Completed by: JWB
Annexation Titles: Evergreen No. 2 and Evergreen No. 4-A	Dates: 12/28/1959 and 1/27/1961

  

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION		
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approval with Conditions <input type="checkbox"/> Denial	Date: _____	Approved by: _____ <input type="checkbox"/> Action <input checked="" type="checkbox"/> Recommendation

  

APPLICANT / DEVELOPER	OWNERS	OWNERS
Dave Gibbons Barry Swenson Builder 777 N. 1 <sup>st</sup> Street, 5 <sup>th</sup> Floor San José, CA 95112	Lih-woan Lii & Ruey-Rong Lii 15 Cinamon Ct Hillsborough, CA 94010  Chung Guang Shen & Li-Chu Feng 224 Surfbird Isle Foster City, CA 94404	Ying-Ming Huang & Chen-Huei Huang 452 W. Langdon Av Arcadia, CA 91007

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**PUBLIC AGENCY COMMENTS RECEIVED**Completed by: John W. Baty

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**Department of Public Works**

See attached memoranda dated 6/25/04

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**Other Departments and Agencies**

None

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**GENERAL CORRESPONDENCE**

None

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**ANALYSIS AND RECOMMENDATIONS**

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## **BACKGROUND**

The applicant, Barry Swenson Builder, is proposing to rezone a 7.5 gross acre site from LI - Light Industrial to A(PD) Planned Development to allow for the construction of up to 70,000 square feet of retail/commercial space, up to 50,000 square feet of medical office space or an 80-bed assisted living facility for the elderly, and dedication to the City of unimproved land to be use for public park purposes.

The project area encompasses a flat vacant site that is surrounded by Aborn Road on the north, Lexann Avenue on the south, Silver Creek Road on the east and Towers Lane on the west. Land uses surrounding the subject site include a mix of single-family residences, and industrial uses to the north, commercial uses to the south and east, and a mobile home park to the west. The site is located within the West Evergreen Strong Neighborhoods Initiative area. The West Evergreen Neighborhood Improvement Plan identified the site as an opportunity site for a neighborhood park or for additional community facilities, retail services, housing or storage for boats and RVs.

### Project Description

The project will consist of three independent parcels.

- ? Parcel One is approximately 4.9 acres and consists of a proposal for approximately 70,000 square feet of retail/commercial space separated into four one-story buildings of varying sizes. This parcel occupies two-thirds of the project site with frontage along Silver Creek Road, Aborn Road and Lexann Avenue. This portion of the project site will take primary access from two driveways off of Silver Creek Road. Secondary access will be provided from driveways on Lexann Avenue and Aborn Road.
- ? Parcel Two has two different proposed options: a 50,000 square foot two-story medical office building or a three-story 80-bed residential care facility for the elderly. No specific or conceptual plans have been submitted for either option.
- ? Parcel Three is one acre located on the south east corner of Aborn Road and Towers Lane. This unimproved parcel is proposed to be dedicated to the City as a future park site.

## ENVIRONMENTAL REVIEW

An Initial Study was prepared for this project and the Director of Planning circulated a Mitigated Negative Declaration for public review on July 9, 2004. The key issues addressed include the potential impacts of traffic on the level of service (LOS) of area intersections, and biotics and water quality impacts. The Initial Study also addressed air quality, cultural resources, geology and soils, hazards/hazardous materials, land use, and noise. The project includes mitigation measures that will reduce any potentially significant impacts to a less-than significant level.

### Traffic

A Transportation Impact Analysis (TIA) was prepared by Hexagon Transportation Consultants, Inc. on February 20, 2004. The report analyzed potential traffic impacts from the proposed project in accordance with the standards and methodology established by the City of San Jose Evergreen Development Policy (EDP) and the Congestion Management Program of the Santa Clara Valley Transportation Authority.

The Evergreen Development Policy was adopted in 1976 and revised in 1991 and 1995 to address the issues of traffic capacity and flood protection for the buildout of the Evergreen area. In 1998 the Policy was amended to define, for non-residential projects, a significant impact requiring mitigation as the addition of more than one-half percent (0.5%) increase in critical traffic movement to an intersection operating at Level of Service E or F.

Traffic conditions at 11 area signalized intersections were evaluated to determine potential impacts from the proposed project. The results of the evaluation showed that, based on the Evergreen Development Policy level of service standards, the project would result in significant impacts at three of the study intersections: Capitol Expressway and Silver Creek Road, Capitol Expressway and Aborn Road, and Capitol Expressway and Quimby Road.

The project includes the following mitigation measures, as reviewed and approved by the Department of Public Works, to reduce potentially significant traffic impacts as noted above to a less than significant level:

1. *Capitol Expressway and Silver Creek Road.* Widen the south side of the west leg of Silver Creek Road, reconstruct approximately 490 feet of the west median island, and realign the roadway through the intersection at Capitol Expressway to provide a wider (22feet) outside eastbound lane and improve traffic flow along this length of Silver Creek Road. Signal modification and striping will be required to accommodate these improvements.
2. *Capitol Expressway and Aborn Road.* Construct a third westbound and second eastbound left-turn lanes on Aborn Road at Capitol Expressway. Signal modification and striping will be required to accommodate these improvements.
3. *Capitol Expressway and Quimby Road.* The mitigation required at Capitol Expressway and Quimby Road will be completed by the Eastridge Mall project.

The results of the analysis showed that the Congestion Management Program study intersections would continue to operate at an acceptable level; LOS E or better.

### Biotics

There are ten trees on the subject site, three of which are of ordinance size (over 56 inches in circumference). All but one tree, an ordinance size eucalyptus tree on the future park site, are proposed for removal. All trees on the site are non-native except a non-ordinance size Chestnut tree in the middle of the site. Mitigation for the loss of these trees will be provided on-site in accordance with standard mitigation ratios at the Planned Development Permit stage.

Parcel Three, the proposed future park site, includes an ordinance size eucalyptus tree that is not planned for removal. A large nest was observed in the eucalyptus tree, which may be used by a raptor. Appropriate mitigation will be implemented to ensure that potential impacts to breeding/nesting raptors will be reduced to a less-than significant level.

A reconnaissance-level survey for Burrowing Owls was conducted by H.T. Harvey & Associates to identify individual owls and potential owl habitat. The results of the survey did not identify suitable habitat for Burrowing Owls or find any evidence of use by owls.

### Water Quality

Development of this project would result in potential water quality impacts associated with construction and post-construction activities. The project will incorporate mitigation measures as identified in the Initial Study and Mitigated Negative Declaration to reduce these impacts to a less than significant level.

## **GENERAL PLAN CONFORMANCE**

The proposed rezoning from LI-Light Industrial to A(PD) Planned Development to allow primarily commercial uses will bring the site into conformance with the San Jose 2020 General Plan Land Use/Transportation Diagram designation of General Commercial, which is intended to permit a wide range of commercial uses. The proposed project furthers the General Plan Economic Development Strategy by providing more commercial growth to improve the balance between jobs and resident workers.

The proposed retail portion of the project is consistent with the General Plan Urban Design Policies in that the buildings and the site are designed to be pedestrian friendly with articulated facades and ample sidewalks at the perimeter of the site and around each building. In addition to providing new sidewalk, curb/gutter, and street tree improvements around the perimeter of the site this project also proposes to reduce the paved travel width of Lexann Avenue, which should help to give this street a more pedestrian scale.

## ANALYSIS

The principal issues with this project are 1) Consistency with the *Commercial Design Guidelines*, particularly with respect to site design, architecture and parking; and 2) Consistency with the West Evergreen Strong Neighborhoods Initiative Neighborhood Improvement Plan. Analysis is divided into four sections according to how each issue is addressed for the overall site and the three individual parcels.

### Overall Site

#### *Site Design*

Presently Lexann Avenue is an 80-foot right-of-way with approximately 60-feet of paved travel surface. Based on traffic expectations, staff had recommended a reduction in the right-of-way width for Lexann Avenue to a standard width of 60-feet. This suggestion, due in part to time constraints involved in the formal vacation of the right-of-way, proved infeasible for the project proponent. Typically the developer would be required to purchase the excess right-of-way through the Street Vacation process. Staff proposed an alternate solution, which would maintain the existing 80-foot right-of-way, but reduce the paved travel surface to a width that approximates the standard paved travel surface for a 60-foot right-of-way. In addition to minimizing impervious surface, the reduced travel width will preclude truck parking along Lexann Avenue and provide an opportunity for better building articulation and landscaping.

#### *Consistency with Neighborhood Improvement Plan*

The proposed project is consistent with the West Evergreen Neighborhood Improvement Plan, which identified the subject property as a potential neighborhood park site. The project furthers the Plan's overall vision for a pedestrian friendly environment in West Evergreen by providing street improvements including new curb, gutter, sidewalk and street trees along the project perimeter.

### Parcel One

#### *Site Design*

Although rectangular in shape, this site is unique in that it has three street frontages. The proposed project has buildings anchoring the corners of Aborn Road and Silver Creek Road and Lexann Avenue and Silver Creek Road. These two buildings have a smaller interface along Silver Creek Road with more presence along Aborn Road and Lexann Avenue. A smaller pad building sits in between the corner buildings and is oriented toward Silver Creek Road. A fourth pad building is located at the back of the parcel. The placement of the four buildings provides an appropriate balance of visibility into the project, while avoiding the overall visual dominance of the parking area from the street.

Landscaping lines the perimeter of the site with additional landscaping included throughout the surface parking area. Loading spaces and trash enclosures are provided in adequate number and in close proximity to the buildings that they are intended to serve. The trash enclosures are located interior to the site within the parking field and are screened with landscaping.

### *Parking*

Required parking shall be provided in accordance with the parking requirements of the Zoning Ordinance. The conceptual plan provides 270 spaces of on-site parking. The developer has also requested that as many as 32 spaces of on-street parking along Aborn Road and Lexann Avenue be counted toward total available parking. Typically commercial developments are required to provide all required parking on-site. However, this site is unlike most commercial developments in that it has three street frontages, two of which are on low traffic level commercial streets that can accommodate safe on-street parking. Furthermore, it is unlikely that the existing surrounding uses would compete for these on-street spaces. Therefore, staff feels that it is reasonable to use a limited number of on-street parking spaces toward the total available parking. The project design benefits from this in that wider more attractive internal sidewalks and landscaped areas can be provided.

Required parking will be based on the mix of uses that will eventually occupy the various tenant spaces. In order to anticipate the amount of parking that would be required the developer has anticipated a certain mix of retail, restaurant and take-out uses. Based on this anticipated mix the combined total of on-site and on-street parking provided would adequately serve the project.

### *Architecture*

Buildings generally have a distinct front and rear. However, that distinction becomes less evident when buildings are placed at the street but are also oriented toward an internal parking field. Because the buildings of this project have multiple frontages the challenge becomes how to adequately address these competing interfaces.

The first measures that this project proposes is to have buildings that are well articulated on all sides, including varied wall and roof planes. For the longer pad buildings the varied wall planes help to break-up what would have been a long and monotonous façade. In addition to creating additional visual interest, the proposed articulation provides opportunities for pedestrian friendly outdoor areas.

The buildings will be designed to relate well to the different project frontages. The primary frontage, in terms of patron access, is with the internal parking area. This façade will have standard glass storefront entry doors and windows. By default, the opposite side of the building then becomes the rear. It is not always possible or practical to include glass along the entire rear of a building. However, measures can be implemented to reduce the appearance of buildings “turning their backs” to the street, such as including windows that wrap around the corners of the buildings and minimizing rear, street-facing, fire exit doors. An internal utility corridor can be shared among several tenant spaces to help minimize the number of rear exit doors that face the street. This will be further refined at the Planned Development Permit stage.

### Parcel Two

#### *Site Design and Architecture*

Although no conceptual site design or architecture for this site was submitted, it is expected that the two scenarios, medical office or senior care facility, would share similar concepts. More than likely both scenarios would include one building with parking internalized at the rear away from the street. The medical office building would range from one to two stories while the care

facility would probably be three stories. Staff is confident that an appropriate site and architectural design can be achieved without difficulty at the Planned Development Permit stage. Parking for either scenario would be provided in accordance with the Zoning Ordinance requirements for whichever use is selected.

### Parcel Three

#### *Consistency with Neighborhood Improvement Plan*

The developer is donating this one-acre portion of the overall site in an unimproved state. The West Evergreen Neighborhood Improvement Plan identifies certain improvements that should be included in a new neighborhood park, such as a children's play area, open space and picnic tables. The City should coordinate with the West Evergreen residents to ensure that any improvements made to this park site reflects the needs of identified by the community.

### **PUBLIC OUTREACH**

Notices of the public hearing were distributed to the owners and tenants of all properties located within 1000 feet of the subject site as well as published in the San Jose Post Record. The Planning Commission and City Council agendas are posted on the City of San Jose website with copies of the staff report and City Council memo.

Copies of the Initial Study and Mitigated Negative Declaration were made available at the Dr. Martin Luther King, Jr. Main Library and Evergreen Branch Library as well as posted on the City's website.

On March 22, 2004 the developer presented their proposal at a regular meeting of the West Evergreen Strong Neighborhoods Initiative Neighborhood Advisory Committee (NAC). On April 20, 2004 the developers held a community meeting. In both cases the community was supportive of the project.

Staff has been available to discuss the project with interested members of the public.

### **RECOMMENDATION**

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to approve the subject rezoning for the following reasons:

1. The project conforms to the General Plan Land Use/Transportation Diagram designation of General Commercial.
2. The project is consistent with the *Commercial Design Guidelines*.
3. The project is compatible with existing uses on adjacent sites.
4. The project is consistent with the Evergreen Development Policy.